

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

218

**CRM-M-48415-2021 (O&M)
Date of decision: 10.05.2022**

Baljeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Haryana
for the respondent.

SUVIR SEHGAL J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”), for grant of regular bail in case FIR No.139, dated 30.06.2021, registered for offences under Sections 15(c), 25, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Canal Colony, Bathinda, District Bathinda, Annexure P-1.

Case of the prosecution is that the FIR, Annexure P-1 has been registered after 10 bags of 15 kg each of poppy husk were recovered

from a truck parked on the side of a road and two persons, namely, Mohd. Altaf and Mohd. Iqbal were apprehended at the spot.

Counsel for the petitioner contends that the petitioner has been arraigned as an accused on the basis of confessional statement of co-accused, who has stated that contraband was to be supplied to the petitioner. Counsel for the petitioner submits that the disclosure statement of co-accused recorded in police custody is inadmissible in evidence. He asserts that the petitioner was released on interim bail by this Court vide order dated 02.09.2021, Annexure P-3, on account of non-receipt of FSL report and he has not misused the concession. He submits that the petitioner is no longer required for custodial interrogation as investigation is complete and he deserves to be released on bail.

Per contra, learned State counsel, upon instructions from SI Gurjant Singh has opposed the petition on the ground that contraband recovered falls within the ambit of commercial quantity as per the notification issued under the NDPS Act. He, however, could not dispute the fact that no recovery had been effected from the petitioner. He has filed the custody certificate dated 09.05.2022 and has submitted that the petitioner is in incarceration for the last 6 months and 14 days.

I have considered the arguments addressed by counsel for the parties.

Considering the fact that no recovery has been effected from the petitioner and his antecedents are clean, this Court is of the view that petitioner would be entitled to be released on bail as the trial is yet to start and is likely to take time to conclude.

In view of the above, without adverting to the arguments

raised, petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10.05.2022

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No